

April 13, 2020

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Notice of *Ex Parte* Communication, Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules, MB Docket No. 19-193; Modernization of Media Regulation Initiative, MB Docket No. 17-105

Dear Ms. Dortch:

On April 10, 2020, Robert Weller and the undersigned, both of the National Association of Broadcasters (NAB), had a telephone conference with Michelle Carey and Holly Saurer of the Media Bureau to discuss the above-referenced proceeding. NAB expressed its support for ABC, Inc.'s request¹ that the waiver process set forth in the Proposed Report and Order circulated for consideration by the Commission at its April 2020 open meeting² be modified to include providing notice to potentially affected channel 6 stations and the opportunity for them to respond.

Low-band VHF television stations (channels 2–6) continue to play an important role in providing emergency information, news and entertainment to many households throughout the United States. With the loss of access to UHF-TV spectrum above Channel 37 as part of the broadcast incentive auction, reliance on low-band channels, including channel 6, is likely to increase, particularly in rural areas as translators are displaced by new 600 MHz wireless services. It is important to recognize that translator stations may receive channel 6 signals even if they are licensed to transmit on other channels. Channel 6 licensees may not routinely monitor FCC filings for FM stations and licensees of rural translator stations are often small operations that do not closely follow FCC filings. Therefore, on the teleconference, NAB urged the FCC to require that FM stations provide nearby channel 6 stations with timely notice of the requested

¹ ABC, Inc. Written *Ex Parte*, MB Docket Nos. 19-193, 17-105, In the Matter of Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules (April 9, 2020).

² In the Matter of Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules, MB Docket Nos. 19-193, 17-105, Report and Order, FCC-CIRC2004-05 (draft rel. Apr. 2, 2020).

waiver of the interference protection rules, and that potentially affected channel 6 operations have a reasonable opportunity to respond.

It is well known that Low-band VHF TV stations are hamstrung with poor coverage for a variety of reasons, including inefficient consumer receiving antennas, high levels of environmental noise and sources of man-made interference. In the case of TV Channel 6 (82-88 MHz), which is located immediately adjacent in frequency to the FM broadcast band (88-108 MHz), sources of man-made interference can potentially include interference from FM stations. The FCC must not take actions that could further restrict the ability of low-band television broadcasters, including those on channel 6, to serve the public. Inasmuch as there has been no testing of contemporary television receivers (not to mention NextGenTV receivers, which are not yet in the consumer marketplace) to determine their susceptibility to interference from FM stations, NAB supports the FCC's decision to not risk making low-band VHF reception more challenging by sunseting the rules that protect channel 6 operations.

As NAB previously pointed out, the FM/channel 6 interference studies were conducted in 2007, prior to the analog-to-digital transition, and were limited to signal strengths for DTV channel 6 that are stronger than real world levels making the study's estimate of resistance to interference artificially high.³ NAB is aware of nothing in the record of this proceeding to suggest that contemporary television receivers are less susceptible to interference or that they are not susceptible to interference at weak signal levels.

NAB noted that channel 6 broadcasters have historically worked with FM stations to provide "no objection" letters to allow FM stations to improve their coverage upon a reasonable demonstration that interference is unlikely to occur. NAB believes that channel 6 stations will continue to work cooperatively with FM stations and will not unreasonably object to their proposals to improve coverage, but those channel 6 stations must be aware of the proposal in the first place, and must also have an opportunity to protect consumer reception. The current universe of channel 6 operations includes just 101 stations nationwide (include analog, digital, low-power, translator, and full-power).⁴ NAB believes that the number of FM stations required to notify nearby channel 6 stations of proposals to improve coverage will be small.

³ NAB Reply Comments to RM-11579, Dec. 17, 2009.
<https://ecfsapi.fcc.gov/file/7020353401.pdf>

⁴ LMS data retrieved, March 28, 2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
General Counsel and Executive Vice President
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Michelle Carey
Holly Saurer